

ECS File: JPA-90-151  
Project: H081701D  
Section: Pima Freeway  
at Cave Creek Road

59527

MEMORANDUM OF AGREEMENT

BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF PHOENIX

THIS AGREEMENT is entered into August 9, 1991,  
between the STATE OF ARIZONA, acting by and through its DEPARTMENT  
OF TRANSPORTATION (the "State") and the CITY OF PHOENIX, acting by  
and through its Council (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 and City Charter, Chapter 2, Section 2 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The City is planning improvements to Cave Creek Road in the vicinity of the Pima Freeway. The City is also designing a detention basin south of the Pima Freeway and east of Cave Creek Road to detain stormwater in the East Fork of Cave Creek (EFCC). These projects affect the drainage concept plans for the Pima Freeway in the vicinity of Cave Creek Road and the EFCC. By the same token, the proposed Pima Freeway and its associated drainage design will affect the design will affect certain design elements of the City's drainage systems. The attached Exhibit "1" illustrates the revisions necessary to eliminate duplication of drainage features, in order for the City and the State to mutually benefit from this design coordination.

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THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

## II. SCOPE OF WORK

The items to be designed and constructed by the City as shown in Exhibit 1, on State right of way will be designed to State standards. The City will maintain the drainage systems until the Pima Freeway is constructed.

The City and State will make sure the flows conveyed by their respective drainage systems to the coordinated system meets the requirements of the Clean Water Act, National Pollutant Discharge Elimination System (NPDES), and other applicable discharge requirements. In addition, each will be responsible for making application and acquiring any necessary NPDES and/or other federal, state or local permits for water discharged by its agency.

The following is a list of design revisions to be made by the State for the Pima Freeway drainage system:

1. South of Pima Freeway, the proposed State detention basin will be deleted from concept design plans. Approximately 1300 feet of lined channel will be designed to convey off-site runoff from Station 1510+00 to Cave Creek Road, replacing a 24-inch reinforced concrete pipe (RCP) from Station 1516+00 to Cave Creek Road. Under Cave Creek Road, the 24-inch pipe will be upsized to a 66-inch pipe to accept channel discharge. Approximately 200 feet of pipe will be required to cross Cave Creek Road.
2. At Cave Creek Road, the City has proposed to discharge flows from Beardsley Road to the State system. These flows, along with flows from the State's new system west of Cave Creek Road, will require the State to upsize the 54-inch to 72-inch pipe between Cave Creek Road and EFCC south of the Pima Freeway.
3. The 8'x4'x410' concrete box culvert planned to cross the Pima Freeway west of Cave Creek Road at Pima Freeway Station 1514+00 will be deleted.
4. Add approximately 600 feet of lined open channel with a top width of 28 feet north of the Pima Freeway, starting at Station 1514+00. Previously, a graded ditch was required here.
5. The three 6'x4'x630' concrete box culvert (CBC) planned to cross the Pima Freeway east of Cave Creek Road at Station 1533+00 will be changed to two 6'x6'x630' culverts.
6. North of the Pima Freeway, the open channel located between Station 1541+50 and 32nd Street will intercept the overland flow and discharge into the City's/FCD detention basin.

7. The State will allow the City to use an area of the State's right of way for the north portion of the EFCC detention basin. In exchange, the City will acquire right of way required for the settling basin. The City may use the area within the State right of way for maintenance vehicle access to the settling basin; however, access will not be available from the freeway or freeway ramp.

The following is a list of changes to the City's drainage design plans:

1. Cave Creek Road improvements north of the Pima Freeway include construction of a 60-inch storm drain from north of Rose Garden Lane for 2-year flows. The original concept required construction of the storm drain south to Beardsley Road, then east to the EFCC.

With the State's system, the 60-inch storm drain can terminate within the open channel located at Mohawk Lane.

2. The City will construct two 8'x6' CBCs at Mohawk Lane as part of the Cave Creek Road improvements and as part of the States system. This construction will require excavation of an earthen ditch within State right of way for flow conveyance from the CBC's to the EFCC during the interim period before Pima Freeway construction.

3. The City has proposed to discharge flows into the State's drainage system via two 48-inch pipes along Cave Creek Road from Beardsley Road. As previously stated, these flows will require the State to upsize its drainage system south of the Pima Freeway.

4. The City will construct a 66-inch RCP under Cave Creek Road as part of the Pima Freeway drainage system. This will require excavation of an earthen channel from Cave Creek Road to the EFCC within State right of way for an interim drainage solution.

5. To alleviate sedimentation problems in the City's detention basin, the City will be constructing a settling basin along the EFCC from State right of way to the detention basin. Right of way for the settling basin will be acquired by the City.

### III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said work described herein; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the commencement of construction, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon signature of each party.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Rm 222E/MD 616E  
Phoenix, AZ 85007

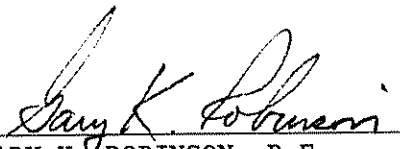
City of Phoenix  
Street Transportation Department  
125 E. Washington  
Phoenix, AZ 85004

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF PHOENIX, a Municipal  
Corporation,  
FRANK FAIRBANKS, City Manager


STATE OF ARIZONA  
Department of Transportation

By   
JAMES H. MATTESON, P.E.  
Street Transportation Director

By   
GARY K. ROBINSON, P.E.  
State Engineer

Attest:

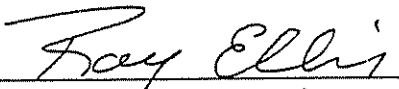
By   
CITY CLERK  
3246j  
19JUL91

1991 JUL 30 PM 4:23  
CITY CLERK DEPT.  


RESOLUTION

BE IT RESOLVED on this 5th day of November 1990, that I, JAMES S. CREEDON, as Acting Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Phoenix for the purpose of describing and coordinating various design revisions affecting the concept drainage plans for the Pima Freeway in the vicinity of Cave Creek Road.

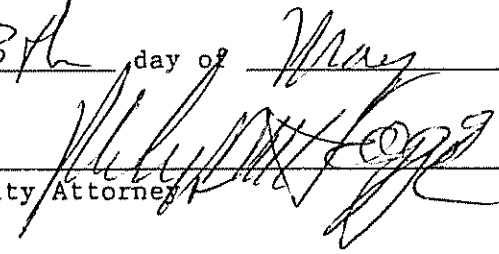
Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.

  
by CHARLES L. MILLER, Director  
Arizona Department of  
Transportation

APPROVAL OF THE PHOENIX CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF PHOENIX, and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 13th day of May, 1991.

ACTING City Attorney 

1979j

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GREEN — CITY CLERK  
 WHITE — CITY ATTORNEY  
 BLUE — CITY MANAGER  
 PINK — ACCOUNTS NOTIFICATION  
 CANARY — DEPARTMENT NOTIFICATION  
 BUFF — DEPARTMENT FILE COPY

1991 JUN 17 PM 4:44 PM

CITY CLERK DEPT. CITY OF PHOENIX, ARIZONA

# REQUEST FOR COUNCIL ACTION

ALL RCA'S MUST BE IN THE CITY MANAGER'S OFFICE BY NOON ON THE TUESDAY, SEVEN DAYS BEFORE THE FORMAL CITY COUNCIL MEETING WITH ALL REQUIRED SIGNATURES. COMPLETE THIS FORM PER M P 1906

1. To the City Manager:

DATE June 12 19 91

THE FOLLOWING COUNCIL ACTION IS HEREBY REQUESTED: ☐ ORDINANCE ☒ RESOLUTION ☐ FORMAL ACTION

INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA  
 DETENTION BASIN AT PIMA FREEWAY AND CAVE CREEK ROAD

Council District 1

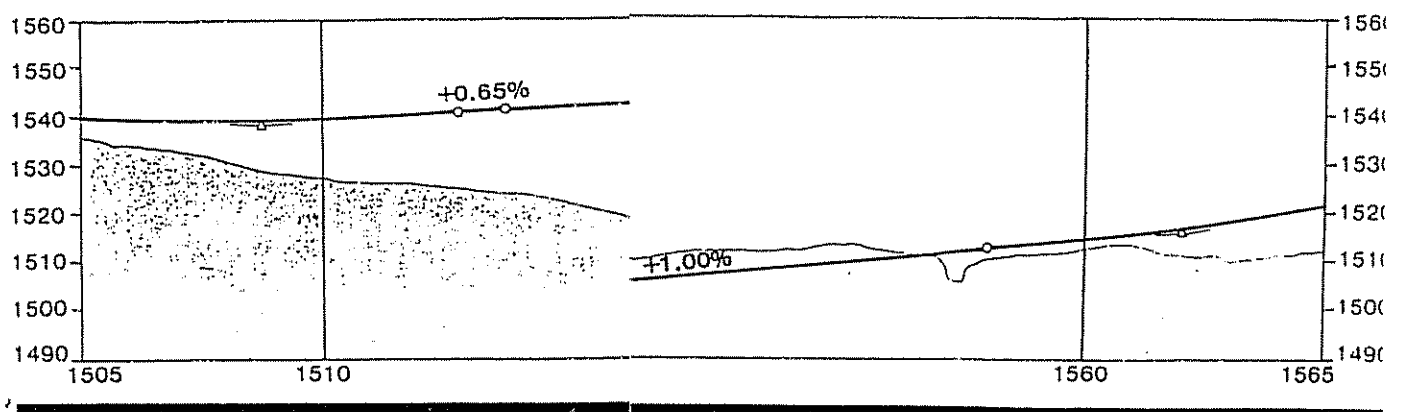
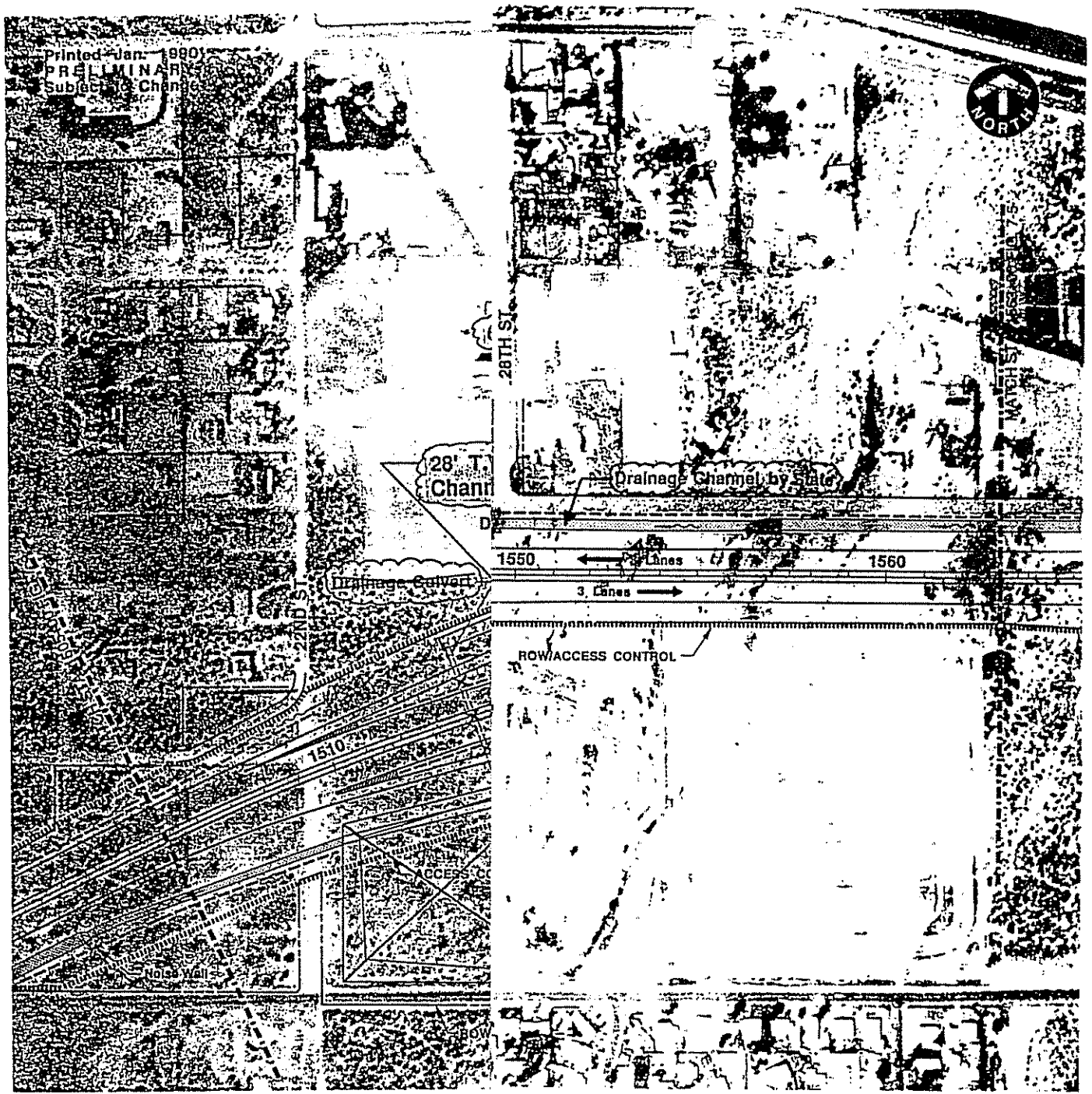
This request authorizes the City Manager to <sup>sign</sup> ~~enter into~~ an Intergovernmental Agreement (IGA) with the State of Arizona through its Department of Transportation (ADOT).

The City is planning improvements to Cave Creek Road in the vicinity of the Pima Freeway. Included in the improvements is a detention basin south of the Pima Freeway and east of Cave Creek Road to detain stormwater in the East Fork of Cave Creek.

The proposed Pima Freeway and its associated drainage design will affect certain design elements of the City's drainage system. The attached IGA details the revisions necessary to eliminate duplication of drainage features in order for the city and the State to mutually benefit from design coordination.

There is no additional cost to the city.

2 Bid Bond (Surety) Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		3 Bond submitted by low bidder? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		4 Performance Bond (Surety) Required? \$ <u>NO</u>	
5 SOURCE OF FUNDS: \$ <u>none</u>				12 Recommended by: Department/Function: <u>Street Transportation/Freeway Coordination</u> Division Head Signature: <u>[Signature]</u> Department Head Signature: <u>[Signature]</u> Street Transportation Director	
6 Emergency Clause? <input type="checkbox"/> YES <input type="checkbox"/> NO IF LESS THAN FIVE COUNCIL MEMBERS ARE PRESENT: <input type="checkbox"/> CONTINUE ONE WEEK <input type="checkbox"/> ADOPT WITHOUT EMERGENCY CLAUSE		7 Requested by: <u>R Bortfeld 55817</u> Phone # <u>55817</u> 8 WP Document #: 9 Desired Agenda Date: <u>6/26/91</u>		13. Approved as to availability of funds: <u>[Signature]</u> MANAGEMENT & BUDGET DIRECTOR	
10 Formal contract required? <input type="checkbox"/> Yes <input type="checkbox"/> No Previous contract # <u>                    </u>		11 Requisition #: <u>                    </u>		14. Approved: <u>[Signature]</u> Deputy CITY MANAGER	
15 Council action taken: Formal action: RESOLUTION NO <u>17878</u> ORDINANCE NO <u>                    </u> DATE <u>6/26</u> 19 <u>91</u> CONTRACT NO <u>59527</u> (4912) <u>F-2766/6011</u>					



# Loop 101

prepared by DeLeuw, Cather & Company, Management C  
ARIZONA DEPARTMENT OF T

EXHIBIT  
CAVE CREEK ROAD INTERCHANGE  
DRAINAGE REVISIONS